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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,030	12/08/2003	David Pretzsch	11590.002	2689

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EXAMINER

RINEHART, KENNETH

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,030

Applicant(s)

PRETZSCH ET AL.

Examiner

Kenneth B Rinehart

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 15, 16 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/04, 12/8/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the trap door openings, a second opening, said second opening in said pre-fill chamber such that said first and second opening are aligned in sealing relationship when said pre-fill chamber is mounted on said incinerator lid such that combustible material can pass from said pre-fill chamber through said first and second openings, a first material fill opening near an upper portion of said burn container, a Lid covering said first material fill opening such that said burn container is closed except for an exhaust and a controlled air plenum, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

Art Unit: 3749

and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 14-16, 21 are objected to because of the following informalities: claim 14-16 depend from a cancelled claim, claim 21 refers to adapted to be filled with material twice. Appropriate correction is required. Note to expedite prosecution it is assumed that claims 14 and 15 depend from claim 13.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 refers to a removable prefill chamber mounted adjacent a first opening in said lid covering said burn chamber which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 5 refers to a prefill chamber attachable to a lid on said burn container adjacent a first opening in said lid which was not described in the specification in such a way as to reasonably convey to one skilled in the

Art Unit: 3749

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said first container" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said first door" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 18, 19, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brennan.

Brennan shows a material container (4, fig.), an opening covered by a door (8, fig.), a plunger operable to force open said door and to force material contained in said container through said opening (7, fig.), means to position said pre-fill chamber on a lid of an incinerator (2, fig.), means allowing said pre-fill chamber to be filled with a combustible material (6, fig.), starting a fire within a container (1, fig.), starting a fire within a container (fig.), closing said container with

Art Unit: 3749

a lid (2, fig.), filling a pre-fill chamber with combustible material (7, fig. 1, aligning at least a portion of said pre-fill chamber with an opening on said lid (fig.), pushing from said pre-fill chamber said combustible material through said opening with a plunger and into said fire while said container remains closed (fig.), said step of starting said fire includes a step of supplying air to said fire through a plenum (16, fig.), said step of aligning includes sealing said portion of said pre-fill chamber against said lid (fig.).

Claims 11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sydow. Sydow shows a pre-fill chamber (2, fig. 1) mountable adjacent a first opening in said lid (fig. 1, fig. 4), a plunger operable to move a platen through said pre-fill chamber (13, fig. 1), a second opening, said second opening in said pre-fill chamber such that said first and second opening are aligned in sealing relationship when said pre-fill chamber is mounted on said incinerator lid such that combustible material can pass from said pre-fill chamber through said first and second opening (fig. 5, fig. 1, material passes from top of item 1 through item 2), wherein said pre-fill chamber can be moved from a material loading position to a material unloading position wherein said pre-fill chamber is mounted adjacent said first opening in said lid (7, 8, 9, fig. 1), said second opening is covered by a hinge door (11, fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan in view of Fontaine. Brennan discloses a burn container for holding combustible materials (1, fig.), a first material fill opening near an upper portion of said burn container (under 2, fig.), a lid covering said first material fill opening such that said burn container is closed except for an exhaust and a ... air plenum (2, fig.), a second opening, said second opening in said lid (3, fig), a closure covering said second opening (8, fig.), a removable pre-fill chamber adapted to hold combustible material, said closure hinged to open upon placing an end of said pre-fill chamber adjacent to said second opening such that said burn container remains closed upon placing of said end of said pre-fill chamber on said lid (4, fig.). Brennan discloses applicant's invention substantially as claimed with the exception of controlled, a blower motor controlling a flow of air into said first container through said air plenum. Fontaine teaches controlled, a blower motor controlling a flow of air into said first container through said air plenum. It would have been obvious to one of ordinary skill in the art to modify Brennan by including controlled a blower motor controlling a flow of air into said first container through said air plenum as taught by Fontaine for the purpose of supplying primary air so that the incinerator can burn a greater quantity of waste and thus improve the productivity of the apparatus.

Allowable Subject Matter

Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-23 are objected to but would be allowable if rewritten to overcome the objection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR


KENNETH RINEHART
PRIMARY EXAMINER